

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

OS ENTERPRISES, LLC,

Plaintiff,

v.

FAIRLANE DEPARTMENT CANADA
(1992) LTD., et al.,

Defendants.

Case No. 4:11-cv-04375 SBA (NC)

ORDER TO SHOW CAUSE

In January 2012, this case was referred for a settlement conference. The conference has been scheduled, and continued, three times. In the recent past, a conference was scheduled on April 19, 2013 and settlement conference statements were due April 12. By April 17, the parties had not submitted settlement conference statements and had not asked for a continuance. The Court therefore issued an Order to Show Cause why the parties and their counsel should not be sanctioned for failing to follow court orders. On April 18, the parties jointly requested that the conference “be continued one additional time” but did not propose a date for the conference. Later on April 18, the Court continued the OSC hearing and conference to June 3, and ordered each party to submit a settlement conference statement no later than May 28. Dkt. No. 28.

No client or counsel appeared for the June 3 settlement conference and OSC. Neither party filed a motion requesting to continue the settlement conference. Neither party submitted a settlement conference statement.

Three strikes and you’re out.

1 Accordingly, the Court CONTINUES the Order to Show Cause and settlement
2 conference to July 3, 2013, at 1:00 p.m. Both parties must show cause as to why they and
3 their counsel should not be sanctioned for repeated failures to follow court orders.
4 Statements in opposition to sanctions must be filed by June 26, 2013. In addition, both
5 parties must propose by June 26 one or more charitable organizations that would be
6 appropriate beneficiaries to receive a charitable contribution from them in place of a
7 monetary sanction. Settlement conference statements are also due June 26. Finally, each
8 party must be represented at the settlement conference by a client representative with
9 unlimited authority to settle the case. If the plaintiff fails to respond to this order, the
10 Court may recommend that the case be dismissed for failure to prosecute.

11 IT IS SO ORDERED.

12 DATED: June 4, 2013

13 
14 NATHANAEL M. COUSINS
United States Magistrate Judge